

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ELIZABETH MOELLER,¹
individually and on behalf of all others
similarly situated,

Plaintiff,

v.

THE WEEK PUBLICATIONS, INC.,

Defendant.

Case No. 22-cv-10666-TLL-PTM

Hon. Thomas L. Ludington
Mag. Patricia T. Morris

PLAINTIFF’S MOTION

**UNOPPOSED MOTION FOR LEAVE TO FILE ENLARGED BRIEF IN
SUPPORT OF PLAINTIFF’S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Elizabeth Moeller (“Plaintiff”), through her counsel, hereby moves the Court for leave to file an enlarged brief, not to exceed 34 pages, in support of her unopposed motion for preliminary approval of class action settlement. In support of this Motion, Plaintiff states as follows:

¹ Per the November 3, 2022 Stipulated Order, as signed by the Court, Plaintiffs Colin Custard, Frederick Vogt, and Ella Norman are removed from this action, and this Complaint shall “identify[] only Elizabeth Moeller as Plaintiff[.]” ECF No. 14, PageID.1082. Additionally, per this Order, upon filing of this Second Amended Complaint, the Clerk of the Court shall thereafter amend the case caption to read “‘Elizabeth Moeller, individually and on behalf of all others similarly situated, Plaintiff v. The Week Publications, Inc., Defendant.’” ECF No. 14, PageID.1083.

1. As set forth in Plaintiff's forthcoming Unopposed Motion for Preliminary Approval of Class Action Settlement, the Parties have reached agreement on a class-wide settlement, which, if approved, will fully and finally resolve all claims against Defendant The Week Publications, Inc. ("Defendant") related to the Michigan Preservation of Personal Privacy Act.

2. Plaintiff has made her greatest effort to keep her preliminary approval brief as succinct as possible. However, Plaintiff believes in good faith that the filing of a brief in excess of 25 pages is necessary to do the following fully and effectively: (i) set forth the material terms of the Parties' settlement agreement; (ii) demonstrate that the proposed settlement class warrants certification under Rule 23(b)(3) for settlement purposes; and (iii) demonstrate that the Parties' proposed settlement warrants preliminary approval under Rule 23(e) and relevant Sixth Circuit precedent. *See* E.D. Mich. LR 7.1(d)(3)(A). As such, Plaintiff's Motion will not exceed thirty-five (35) pages in length, inclusive of signatures. *See Ketover v. Kiplinger Washington Editors, Inc.*, 2:21-cv-12987 ECF No. 20, PageID.1364 (order granting request in PPPA case for nine (9) additional pages).

3. Plaintiff's counsel conferred with counsel for Defendant, communicating via email, on November 11, 2022. Defendant does not oppose this motion nor the relief requested herein.

THEREFORE, Plaintiff respectfully requests that the Court enter an Order granting her leave to file an enlarged brief, not to exceed thirty-five (35) pages, in support of her forthcoming Unopposed Motion for Preliminary Approval of Class Action Settlement.

Dated: November 11, 2022

Respectfully Submitted,

By: /s/ E. Powell Miller

E. Powell Miller (P39487)

Sharon S. Almonrode (P33938)

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Proposed Class Counsel

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PLAINTIFF'S BRIEF

**BRIEF IN SUPPORT OF UNOPPOSED MOTION FOR
LEAVE TO FILE ENLARGED BRIEF IN SUPPORT
OF PLAINTIFF'S UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff, by and through her undersigned attorney, and in support of her Unopposed Motion For Leave to File Enlarged Brief in Support of Plaintiff's Unopposed Motion For Preliminary Approval of Class Action Settlement, relies on the content of Plaintiff's Motion.

Dated: November 11, 2022

Respectfully Submitted,

By: /s/ E. Powell Miller
E. Powell Miller (P39487)
Sharon S. Almonrode (P33938)
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Counsel for Plaintiff and the Putative Class

CERTIFICATE OF SERVICE

I, E. Powell Miller, an attorney, hereby certify that on November 11, 2022, I served the above and foregoing on all counsel of record by filing it electronically with the Clerk of the Court using the CM/ECF filing system.

/s/ E. Powell Miller

E. Powell Miller

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